

Adopted	Rejected
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## COMMITTEE REPORT

YES:	14
NO:	0

### MR. SPEAKER:

*Your Committee on Elections and Apportionment, to which was referred House Bill 1430, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1       Between the enacting clause and line 1, begin a new paragraph and
- 2       insert:
- 3       "SECTION 1. IC 1-1-3.5-3, AS AMENDED BY P.L.170-2002,
- 4       SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5       JULY 1, 2003]: Sec. 3. (a) For purposes of the statutes described in
- 6       section 5(c) of this chapter, a reference to population is a reference to
- 7       population as determined by the most recent of the following:
- 8           (1) Federal decennial census.
- 9           (2) Federal special census.
- 10          (3) Special tabulation.
- 11          (4) Corrected population count.
- 12       (b) **For purposes of statutes relating to drawing boundaries of**
- 13       **county executive districts, county fiscal body districts, municipal**
- 14       **legislative body districts, or the districts of any other political**
- 15       **subdivision, a reference to population is a reference to population**
- 16       **as determined by the most recent of the following:**

(1) Federal decennial census.

(2) Federal special census.

(3) Special tabulation.

(4) Corrected population count.

(c) For purposes of a noncode statute, a reference to population is the population determined by the most recent federal decennial census in effect before the passage of the statute, unless the population description in the statute is changed by subsequent legislation.

~~(c)~~ (d) For purposes of statutes not described in subsection (a), ~~or~~ (b), ~~or~~ (c), a reference to population is the population determined by the most recent federal decennial census in effect, unless the statute specifically provides otherwise.

~~(d)~~ (e) This subsection applies to a political subdivision located in more than one (1) county. If a political subdivision is described in a statute by reference to the county in which the political subdivision is located, the reference is to the county that contains a majority of the population of the political subdivision.

~~(e)~~ (f) The effective date of each:

- (1) federal decennial census;
- (2) federal special census;
- (3) special tabulation; or
- (4) corrected population count;

is April 1 of the calendar year following the year in which the tabulation of population or corrected population count is delivered to the state by the United States Secretary of Commerce under 13 U.S.C. 141 and received by the governor.

~~(f)~~ (g) Promptly upon receiving the tabulation of population or corrected population count, the governor shall issue an executive order:

- (1) evidencing the date of receipt; and
- (2) noting that the effective date of the tabulation of population or corrected population count for purposes of any statute described in this section is April 1 of the following year."

Page 1, line 17, after "(a)" insert "**This section applies after December 31, 2003.**

(b)".

Page 2, line 4, delete "(b)" and insert "(c)".

Page 2, delete lines 7 through 19.

Page 5, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 11. IC 3-8-1-2, AS AMENDED BY P.L.176-1999, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) The commission, a county election board, or a town election board shall act if a candidate (or a person acting on behalf of a candidate in accordance with state law) has filed any of the following:

(1) A declaration of candidacy under IC 3-8-2 or IC 3-8-5.

(2) A request for ballot placement in a presidential primary under IC 3-8-3.

(3) A petition of nomination or candidate's consent to nomination under IC 3-8-6.

(4) A certificate of nomination under IC 3-8-5, IC 3-8-7, IC 3-10-2-15, or IC 3-10-6-12.

(5) A certificate of candidate selection under IC 3-13-1 or IC 3-13-2.

(6) A declaration of intent to be a write-in candidate under IC 3-8-2-2.5.

**(7) A contest to the denial of certification under IC 3-8-6-12.**

(b) The commission has jurisdiction to act under this section with regard to any filing described in subsection (a) that was made with the election division. Except for a filing under the jurisdiction of a town election board, a county election board has jurisdiction to act under this section with regard to any filing described in subsection (a) that was made with the county election board, county voter registration office, or the circuit court clerk. A town election board has jurisdiction to act under this section with regard to any filing that was made with the county election board, the county voter registration office, or the circuit court clerk for nomination or election to a town office.

(c) **Except as provided in subsection (e)**, before the commission or election board acts under this section, a registered voter of the election district that a candidate seeks to represent must file a sworn statement with the election division or election board:

(1) questioning the eligibility of a candidate to seek the office; and

(2) setting forth the facts known to the voter concerning this question.

(d) The eligibility of a write-in candidate or a candidate nominated by a convention, petition, or primary may not be challenged under this

1 section if the commission or board determines that all of the following  
2 occurred:

- 3 (1) The eligibility of the candidate was challenged under this
- 4 section before the candidate was nominated.
- 5 (2) The commission or board conducted a hearing on the affidavit
- 6 before the nomination.
- 7 (3) This challenge would be based on substantially the same
- 8 grounds as the previous challenge to the candidate.

9 **(e) Before the commission or election board can consider a**  
10 **contest to the denial of a certification under IC 3-8-6-12, a**  
11 **candidate (or a person acting on behalf of a candidate in**  
12 **accordance with state law) must file a sworn statement with the**  
13 **election division or election board:**

- 14 **(1) stating specifically the basis for the contest; and**
- 15 **(2) setting forth the facts known to the candidate supporting**
- 16 **the basis for the contest.**

17 **(f) Upon the filing of a sworn statement under subsection (c) or (e),**  
18 **the commission or election board shall determine the validity of the**  
19 **questioned:**

- 20 **(1) declaration of candidacy;**
- 21 **(2) declaration of intent to be a write-in candidate;**
- 22 **(3) request for ballot placement under IC 3-8-3;**
- 23 **(4) petition of nomination;**
- 24 **(5) certificate of nomination; or**
- 25 **(6) certificate of candidate selection issued under IC 3-13-1-15 or**
- 26 **IC 3-13-2-8; or**
- 27 **(7) denial of a certification under IC 36-8-6-12.**

28 **(f) (g) The commission or election board shall deny a filing if the**  
29 **commission or election board determines that the candidate has not**  
30 **complied with the applicable requirements for the candidate set forth**  
31 **in the Constitution of the United States, the Constitution of the State of**  
32 **Indiana, or this title."**

33 Page 6, line 6, delete "be affiliated with" and insert "**comply with**  
34 **any candidate requirement set by state party rules."**

35 Page 6, delete lines 7 through 9.

36 Page 8, between lines 24 and 25, begin a new paragraph and insert:

37 "SECTION 14. IC 3-8-6-12, AS AMENDED BY P.L.26-2000,  
38 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2003]: Sec. 12. (a) A petition of nomination for an office filed under section 10 of this chapter must be filed with and, **except as provided in subsection (d)**, certified by the person with whom a declaration of candidacy must be filed under IC 3-8-2.

(b) The petition of nomination must be accompanied by the following:

(1) The candidate's written consent to become a candidate.

(2) A statement that the candidate:

(A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

(B) agrees to comply with the provisions of IC 3-9.

The candidate must separately sign the statement required by this subdivision.

(3) If the candidate is subject to IC 3-9-1-5, a statement by the candidate that the candidate has filed a campaign finance statement of organization under IC 3-9-1-5 or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date for filing a petition for nomination under section 10 of this chapter.

(4) If the candidate is subject to IC 3-9-1-5.5, a statement by the candidate that the candidate is aware of the requirement to file a campaign finance statement of organization under IC 3-9 after the first of either of the following occurs:

(A) The candidate receives more than five hundred dollars (\$500) in contributions.

(B) The candidate makes more than five hundred dollars (\$500) in expenditures.

(5) A statement indicating whether or not each candidate:

(A) has been a candidate for state or local office in a previous primary or general election; and

(B) has filed all reports required by IC 3-9-5-10 for all previous candidacies.

(6) A statement that each candidate is legally qualified to hold the office that the candidate seeks, including any applicable residency requirements and restrictions on service due to a criminal conviction.

(7) If the petition is filed with the secretary of state for an office not elected by the electorate of the whole state, a statement signed by the circuit court clerk of each county in the election district of the office sought by the individual.

(8) Any statement of economic interests required under IC 3-8-1-33.

(c) The statement required under subsection (b)(7) must:

(1) be certified by each circuit court clerk; and

(2) indicate the number of votes cast for secretary of state:

(A) at the last election for secretary of state; and

(B) in the part of the county included in the election district of the office sought by the individual filing the petition.

**(d) The person with whom the petition of nomination must be filed under subsection (a) shall:**

**(1) determine whether a sufficient number of signatures as required by section 3 of this chapter have been obtained; and**

**(2) do one (1) of the following:**

**(A) If the petition includes a sufficient number of signatures, certify the petition.**

**(B) If the petition has an insufficient number of signatures, deny the certification.**

(e) The secretary of state shall, by noon August 20:

**(1) certify; or**

**(2) deny certification under subsection (d) to;**

each petition of nomination filed in the secretary of state's office to the appropriate county.

~~(e)~~ **(f)** The commission shall provide that the form of a petition of nomination includes the following information near the separate signature required by subsection (b)(2):

(1) The dates for filing campaign finance reports under IC 3-9.

(2) The penalties for late filing of campaign finance reports under IC 3-9.

~~(f)~~ **(g)** A candidate's consent to become a candidate must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the consent to become a candidate. If there is a difference between the name on the candidate's consent to become a candidate and the name on the candidate's voter registration record, the officer with whom the

consent to become a candidate is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's consent to become a candidate.

**(h) If the person with whom the petition was filed denies certification under subsection (d), the person shall notify the candidate immediately by certified mail.**

**(i) A candidate may contest the denial of certification under subsection (d) based on:**

**(1) the circuit court clerk's or board of registration's failure to certify, under section 8 of this chapter, qualified petitioners; or**

**(2) the determination described in subsection (d)(1); using the procedure in IC 3-8-1-2 and section 14 of this chapter that applies to questions concerning the validity of a petition of nomination."**

Page 8, line 36, after "state" insert "**or contesting the denial of certification under section 12(d) of this chapter**".

Page 8, line 38, after "nomination" insert "**or contesting the denial of certification under section 12(d) of this chapter**".

Page 8, line 38, after "IC 3-8-1-2(c)" insert "**or IC 3-8-1-2(e)**".

Page 8, line 42, after "clerk" insert "**or contesting the denial of certification under section 12(d) of this chapter**".

Page 9, line 2, after "nomination" insert "**or contesting the denial of certification under section 12(d) of this chapter**".

Page 9, line 3, after "IC 3-8-1-2(c)" insert "**or IC 3-8-1-2(e)**".

Page 9, line 9, after "nomination" insert "**or the denial of certification under section 12(d) of this chapter**".

Page 9, line 34, strike "(a)".

Page 9, line 39, strike "(b) The election division shall, not later than noon".

Page 9, delete line 40.

Page 9, strike lines 41 through 42.

Page 9, after line 42, begin a new paragraph and insert:

"SECTION 18. IC 3-8-7-14, AS AMENDED BY P.L.260-2001, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. **(a) This section does not apply to the**

**certification of nominees under IC 3-10-4-5.**

(b) A certificate of nomination required to be filed with the election division or circuit court clerk shall be filed not later than noon July 15 before the date fixed for the election of the person nominated."

Page 10, line 2, after "(a)" insert **"This section does not apply to the certification of nominees under IC 3-10-4-5.**

**(b)".**

Page 10, line 4, reset in roman "August 20".

Page 10, line 4, delete "seventy-four (74) days before the date of".

Page 10, line 5, delete "the general election".

Page 10, line 5, strike "(or noon sixty (60) days before the general".

Page 10, strike line 6.

Page 10, reset in roman line 7.

Page 10, line 24, strike "(b)" and insert "(c)".

Page 17, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 27. IC 3-10-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 13. The primary election paper ballots and ballot cards of each political party must be of uniform size and of the same quality paper as the paper ballots and ballot cards used at the general election. The paper ballots and ballot cards must be **distinctively marked or be** of a different color ~~for so that the ballots of~~ each party ~~holding a primary election. are easily distinguishable.~~ All the candidates representing one (1) party shall be placed on one (1) ticket with the name of the party placed at the top in the form prescribed by section 19 of this chapter."

Page 19, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 31. IC 3-10-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) This subsection applies to a major political party and to a political party subject to IC 3-8-4-10. The state chairman of each political party shall certify to the election division the names of the nominees of the party for President and Vice President of the United States and the state of which each nominee is a resident.

(b) If candidates for presidential electors are nominated by petitioners instead of by a convention of a major political party or a party subject to IC 3-8-4-10, the petitioners shall certify with the list of names of electors:

(1) the names of their nominees for President and Vice President



1 of the United States;

2 (2) the state of which each nominee is a resident; and

3 (3) the name of the political party of the nominees, or that the  
4 nominees are an independent ticket.

5 (c) This subsection applies to a political party described in  
6 subsection (a) and to candidates nominated by petitioners under  
7 subsection (b). The names of:

8 (1) all candidates for presidential electors; and

9 (2) all nominees for President and Vice President of the United  
10 States;

11 shall be certified ~~by~~ **to the election division not later than noon on**  
12 **the second Tuesday in September** ~~±~~ before the general election. **The**  
13 **election division shall certify to each county election board not**  
14 **later than noon on the second Thursday in September before the**  
15 **general election the names of the nominees for President and Vice**  
16 **President of the United States certified to the election division**  
17 **under this subsection.**

18 (d) The names of all candidates for presidential electors for a  
19 write-in candidate shall be included on the declaration for candidacy  
20 filed by a write-in candidate for the office of President or Vice  
21 President of the United States filed under IC 3-8-2."

22 Page 19, between lines 27 and 28, begin a new paragraph and insert:

23 "SECTION 33. IC 3-11-2-2 IS AMENDED TO READ AS  
24 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. Each county election  
25 board shall have the:

26 (1) names of all candidates for United States Representative,  
27 legislative offices, and local offices; and

28 (2) local public questions;

29 in election districts within the county printed on ~~ballots~~ **a ballot** as  
30 provided in this chapter. **The county may print all offices on a single**  
31 **ballot under this section.**

32 SECTION 34. IC 3-11-2-4 IS AMENDED TO READ AS  
33 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) ~~Except as~~  
34 ~~provided in subsection (c), the election division and county election~~  
35 ~~boards shall use the following colors for paper ballots:~~

36 ~~(1) For President and Vice President of the United States, cherry~~  
37 ~~red paper;~~

38 ~~(2) For United States Senator, state offices, and public questions;~~

1 if the public question:

2 (A) is voted on by the entire electorate of Indiana; or

3 (B) concerns the retention of a justice of the Indiana supreme  
4 court or a judge of the Indiana court of appeals;

5 pink paper:

6 (3) For municipal offices; blue paper:

7 (4) For township offices; yellow paper:

8 (5) For United States Representative; county offices; school board  
9 offices; and all other offices; white paper:

10 (6) For local public questions; green paper:

11 (b) The chairman or committee responsible for supplying pasters  
12 under IC 3-11-3-29 shall supply pasters of the same color as the ballot  
13 on which the paster will be placed.

14 (c) A county election board, by unanimous vote of its entire  
15 membership, may print ballots for township offices in any color if the  
16 ballot for township offices in each township within the county is not the  
17 same color as any:

18 (1) other township ballot within the county; or

19 (2) ballot for other offices or public questions listed in subsection  
20 (a):".

21 Page 19, between lines 35 and 36, begin a new paragraph and insert:

22 "SECTION 36. IC 3-11-4-13 IS AMENDED TO READ AS  
23 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 13. (a) Except as  
24 provided in ~~subsection~~ **subsections (b) and (c)**, the absentee ballots  
25 that are prepared and printed under the direction of the election  
26 division shall be delivered to the circuit court clerk or the clerk's  
27 authorized deputy not less than forty-five (45) days before a general  
28 election or twenty-nine (29) days before a special election. The  
29 absentee ballots shall be delivered in the same manner that other  
30 official ballots are delivered.

31 **(b) This subsection applies to the printing of absentee ballots for**  
32 **a general election in which the names of nominees for President**  
33 **and Vice President of the United States are to be printed on the**  
34 **ballot. The absentee ballots that are prepared and printed under**  
35 **the direction of the election division shall be delivered to the circuit**  
36 **court clerk not later than thirty-eight (38) days before the general**  
37 **election.**

38 (c) An absentee ballot described by section 12(d) of this chapter

1 shall be delivered by the election division to the circuit court clerk or  
 2 the clerk's authorized deputy not later than the first Monday in June  
 3 before a general election.

4 SECTION 37. IC 3-11-4-14 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. All absentee ballots  
 6 other than those specified in section 12 of this chapter shall be prepared  
 7 and printed under the direction of each county election board. After  
 8 completing the estimate required by section 10 of this chapter **and**  
 9 **receiving all certifications from the election division required**  
 10 **under IC 3-8 or IC 3-10**, the county election board shall immediately  
 11 proceed to prepare and have printed the ballots. Ballots prepared by the  
 12 county election board under this section must provide space for the  
 13 voter to cast a write-in ballot.

14 SECTION 38. IC 3-11-4-15 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 15. (a) **Except as**  
 16 **provided in subsection (b)**, the absentee ballots that are prepared and  
 17 printed under the direction of a county election board shall be delivered  
 18 to the circuit court clerk **(or the board acting under IC 3-6-5.2)** at  
 19 least:

20 (1) forty-five (45) days before a general, primary, or municipal  
 21 election;

22 (2) thirty-two (32) days before a special election.

23 **(b) This subsection applies to the printing of absentee ballots for**  
 24 **a general election in which the names of nominees for President**  
 25 **and Vice President of the United States are to be printed on the**  
 26 **ballot. The absentee ballots that are prepared and printed under**  
 27 **the direction of a county election board shall be delivered to the**  
 28 **circuit court clerk (or the board acting under IC 3-6-5.2) not later**  
 29 **than thirty-eight (38) days before the general election."**

30 Page 20, delete lines 17 through 23.

31 Page 22, line 21, delete "recount" and insert "**contest**".

32 Page 23, between lines 13 and 14, begin a new paragraph and insert:

33 "SECTION 48. IC 3-13-1-20, AS AMENDED BY P.L.260-2001,  
 34 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2003]: Sec. 20. (a) This section applies to a political party  
 36 subject to IC 3-8-4-10.

37 (b) A candidate vacancy that exists following the convention of the  
 38 party shall be filled by the state committee of the political party not

1 later than noon June 30 before election day. **The chairman of the state**  
 2 **committee shall file a notice of intent to fill the candidate vacancy**  
 3 **with the official who is required to receive a certificate of candidate**  
 4 **selection under section 15 of this chapter. The notice must be filed**  
 5 **not later than ten (10) days before the chairman fills the candidate**  
 6 **vacancy.** The chairman of the state committee shall act in accordance  
 7 with section 15 of this chapter to certify the candidate selected to fill  
 8 the vacancy.

9 (c) This subsection applies to a candidate vacancy resulting from a  
 10 vacancy on the general election ballot resulting from the failure of the  
 11 convention to nominate a candidate for an office. The certificate  
 12 required by subsection (b) shall be filed not later than noon July 3  
 13 before election day.

14 (d) This subsection applies to all candidate vacancies not described  
 15 by subsection (c). The certificate required by subsection (b) shall be  
 16 filed not more than three (3) days (excluding Saturdays and Sundays)  
 17 after selection of the candidates."

18 Page 24, between lines 10 and 11, begin a new paragraph and insert:

19 "SECTION 51. IC 3-14-3-16 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 16. (a) As used in this  
 21 section, "electioneering" includes expressing support or opposition to  
 22 any candidate or political party or expressing approval or disapproval  
 23 of any public question in any manner that could reasonably be expected  
 24 to convey that support or opposition to another individual.

25 (b) A person who knowingly does any electioneering:

26 (1) on election day within:

27 (A) the polls; or

28 (B) fifty (50) feet of the entrance to the polls; or

29 (2) within an area in the office of the circuit court clerk used by  
 30 an absentee voter board to permit an individual to cast an  
 31 absentee ballot;

32 commits a ~~Class D felony~~. **Class A misdemeanor.**

33 SECTION 52. IC 3-14-4-9 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. An election officer  
 35 who knowingly:

36 (1) discloses to a person the name of a candidate for whom a voter  
 37 has voted or how a voter voted on a public question; or

38 (2) does any electioneering on election day;

1 commits a ~~Class D felony~~. **Class A misdemeanor.**  
 2 Page 28, delete lines 31 through 32, begin a new paragraph and  
 3 insert:  
 4 "SECTION 54. IC 3-11-13-4 IS REPEALED [EFFECTIVE JULY  
 5 1, 2003].  
 6 SECTION 55. [EFFECTIVE JULY 1, 2003] **IC 3-8-1-2,**  
 7 **IC 3-8-6-12, and IC 3-8-6-14, all as amended by this act, apply to**  
 8 **all elections held after December 31, 2003.**  
 9 Renumber all SECTIONS consecutively.  
 (Reference is to HB 1430 as introduced.)

and when so amended that said bill do pass.

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Representative Mahern